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ABSTRACT

This handbook provides public and private school administrators with guidelines for developing a nonprofit educational foundation. Following an introduction, a statement of rationale describes fundamental approaches and activities. The foundation's primary purpose is aiding schools with additional funding and community service support. Section 2 presents a suggested statement of mission. Ways the foundation benefits a local school district are discussed in section 3, including the following: provides new sources of funding; increases community involvement in fundraising and schooling; helps with fund investments; and provides a new form of political independence. Section 4 recommends goals that emphasize methods of developing public education through improvement strategies and community participation. Short and long-term foundation activities are proposed in section 5. Funds are used for such purposes as grants to teachers and projects, scholarships, sabbaticals, and staff development. Section 6 reviews legal issues involving incorporation as a nonprofit organization. Section 7 suggests sources for initial funding. Local sources include corporate aid projects and endowments. Names and addresses of state and national foundations offering grants to school districts are provided. Do's and don'ts for a new foundation considered in section 8 cover funding operations, legal areas, and scope. Examples of a nonprofit educational foundation bylaws and of a charter for an educational foundation (using Tennessee code statutes) conclude the document. A 50-item bibliography is appended. (CJH)

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HOW TO CREATE AN EDUCATIONAL FOUNDATION IN YOUR SCHOOL DISTRICT

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A
Handbook For Public And
Private Schools Administrators For
Developing And Operating
A Non-Profit Education Foundation

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CLARKSVILLE-MONTGOMERY COUNTY EDUCATION FOUNDATION

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JUNE 1987

The Clarksville-Montgomery County Education Foundation is a non-profit foundation structured to support the Clarksville-Montgomery County School System teachers through grants and projects at the local level. All funding for the foundation has come from local community support through individuals, businesses, and community sponsors.

The Foundation was chartered by the school system in April of 1985 and has operated through its Board of Directors since August of 1986. During the school year of 1986 - 87 the Foundation funded five teacher mini-grants. These grants supported a wide variety of projects implemented by classroom teachers at the school building level. The five grants were awarded to teachers in grades K through 12.

Materials in this handbook were used by our school system to start our foundation. The following pages will provide you with ideas and examples you can use to set up a foundation in your school district.

Frank M. Hodgson, Ed.D
Executive Director

PREFACE

So you are interested in learning how to form an educational foundation for your school district. This handbook How To Create An Educational Foundation In Your School District is not only a handbook you can use to establish a foundation, but also a document to help you carry out the full process from beginning to end.

This document contains items about a foundation such as the philosophy of a foundation, its rational, its mission and scope, activities, goals, legal issues involved, as well as and example of bylaws you can use to get started. Also, included is an extensive bibliography which is provided for you with many excellent documented sources to help you and your school district sell your ideas to others you may want to involve.

Much of this document can be used just as it is for your school district by simply typing the pages you need and inserting your school district and/or foundation name. If you feel that to much information is provided for your use, then just leave out those items you feel are not significant to your situation and/or district.

One note of caution should be provided when it comes to legal and tax information. First, under the new Federal Income Tax Code that is being implemented in January 1987, there might be some changes you and your legal representative need to look into. Second, depending on what state you are in you will need to have your legal representative explore the requirements for a "Charter for Incorporation." The example used in the handbook is from Tennessee and you may find different requirements in your state. Be aware that only a lawyer can file a state charter for you or your school system.

Good luck with your new foundation project. THE CLARKSVILLE-MONTGOMERY COUNTY EDUCATION FOUNDATION is interested in promoting the foundation concept for school districts because it can add a great deal of untapped resources to your district school operation, and at the same time increase the involvement of your community in your school district.

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INTRODUCTION

The idea of a non-profit separate, structured foundation to aid public education is not altogether new, but it can be said it is surely a child of the 1970s. Many public foundations initiated to aid public schools were started in the mid 1970s and early 1980s. In areas across the U. S., many foundations were established purely to offset funding cuts occurring at all levels of government. These funding cutbacks were placing a tremendous strain on many levels of public school operations, especially that of instruction, the very heart and reason for the school system's existence. Thus, in order to combat the shrinking sources of public school revenues, many major school districts initiated educational foundations.

The main purpose of an educational foundation is to aide the schools with additional funding and community service support. The level of community service is just as important in the concept of the foundation as money, since it helps the community address problems confronting education.

The intent of this paper is to provide the basis for a detailed discussion and exploration of the concept of an educational foundation for your school district. As this paper demonstrates, there are numerous points to consider when thinking about a foundation. Many articles and papers have been written, and many foundations established, from which to provide a good basis for decision making, as well as determining the need for such a concept in your school district.

I

STATEMENT OF RATIONALE

Rationale For An Educational Foundation:

An Educational Foundation operated as a private or public Foundation can approach the education of a community differently than a public institution such as the "public schools." The Foundation approach could look at schooling as a total community, and not as with the public schools, as a separate institution. The Foundation could receive its financial support from the community at large. The Foundation would act in a manner in which the community could address the needs of schooling both directly by grants and support through community leadership. Funding for the Foundation could be obtained from the community at large, businesses, corporations, public and private endowments, other funding and supporting funds, and even community donations. This would help attract additional funding support for schooling in the community since people would be more directly involved in giving and participating when they have a sense of where the money goes and not just swallowed up in a large school district bureaucracy. With public education, as with any public institution, much of the private giving is lost in the bureaucracy of the institution and is very difficult to keep track of, at least in results.

The Foundation should have a well-thought-of Board of Directors who are highly visible in the community at large. This Board should be appointed through a Board Selection Committee who are very selective in their appointments. Members of the Board should not be from the political community, the school district (at least the administrative or management level--more at the instructional level), or from city and county government. However, a member of the Board of Education should be included on the Board of Directors of the Foundation, and this member should be from the school district Board of Education. The members should be chosen from the general community, parents, business leaders, professionals, and corporate heads. Members should be used to working in community projects and being very successful at accomplishing specific targeted tasks. The exclusion of political appointed and/or elected officials could be a debatable issue and one of personal preference. An opinion is that with elected political appointees, the Foundation could become highly politicized and in the end would be used by the politician to enhance their positions in some other governmental bodies. However, the political realities are that it would be difficult not have some public office holders, and also probably politically unwise on your part not to include them.

It could also be argued that the Foundation should remain as a institution to enhance public education rather than become another political football of a local governmental body. This

would also give the Foundation a greater sense of mobility in working in the community to assist the Foundation member school district for which it was intended to serve.

II

STATEMENT OF MISSION

Mission of the Foundation:

The mission of the _____(YOUR FOUNDATION NAME)_____ Foundation is to foster and promote basic and innovative approaches for excellence in education in the community district schools. The Foundation will use its philanthropic contributions to assist and reward excellence in education. These awards will be made to outstanding instructional, non-instructional, and administrative personnel on the basis of competitive grants, proposals, and/or recognition of outstanding service submitted to the Board of Directors of the Foundation. The Foundation will award its funds for the use of instructional supplies, equipment, innovative materials, creative program development, as well as providing researching and publishing assistance to instructional and administrative personnel in the field of education as it relates to their school district, profession, and recognition of outstanding service to education.

An additional mission of the Foundation will be to help restore optimism to teachers, instructional administrators, and district-wide employees in a manner of providing competitively available funds and awards for inspiring their students with a new challenge to participate in the district community schools. The Foundation would provide assistance to these instructional levels by saying, "with all the problems facing public education today, there are still excellent instructors and other employees who still care enough to try new approaches and solutions to old and recurring instructional problems facing the public schools." The Foundation will give particular interest to "strong programs initiated at the school sites that will demonstrate innovative and effective ways to meet students' needs and increase the motivation to learn."

III

HOW A FOUNDATION BENEFITS A LOCAL SCHOOL DISTRICT

An Educational Foundation provides a completely new basis for funding school district problems. This approach would help provide many new and innovative avenues of financing for local district education beyond the current channels which have historically been available to public education.

A foundation can help unified local schools. This could be accomplished through each each school's P.T.A.s where they could be encouraged to look beyond their own schools and toward the greater needs of the community educational processes. This would serve both the individual school, the school district, and the larger community.

"The success of the school foundation approach is well-established in a variety of school districts in the United States. School districts across the county who have established foundations have raised, on an average, ten to twenty percent more money for their schools and programs through the private sector than have those school districts without established foundations."

The foundation can also provide for a formal method, as well as the necessary structure, to involve the community in the fund raising process for public schools. This process, where it has been implemented, has been highly successful for many school communities across the country.

The foundation can help with fund investments. When investment funds are available, a foundation can be used to extend the legal limits on investment returns outside those granted to public institutions. In this manner institutions can circumvent (and do so legally) rules that stifle better investments and bring higher yields on invested funds.

A foundation can provide a new form of political independence. This would also be most true where state laws might call for budget reductions. Since the funds raised are maintained and managed by a foundation, left-over funds would not revert to the general fund at the end of the fiscal year.

Since the public schools have historically depended on local, state, and federal agencies for funding, (and have also been at their mercy at budget-cutting time), a foundation might provide a greater level of flexibility when it came to new revenue sources. As standard resources become more scarce, school districts will need to seek alternative funding sources if they hope to be progressive as well as efficient.

Foundations also have a way of growing. People can see what the foundation does, how it affects the community, and the good it may accomplish. People are willing to give to a non-

governmental body if the community has a deep sense that the money raised and expended is used wisely, and at the same time, the results are highly visible in the community.

The establishment of a foundation might help draw less criticism from the community at large toward the public schools. This might be the case if the community had a sense that the school district was trying to elevate the position of the public schools in other ways than through annual tax increases. Also, the community would be more directly involved in the participation of the public school process. This approach which would help provide a greater variety of opinion as to the direction of the public schools for the future.

Finally, in the presidential commission study, "A NATION A RISK," one of the criticisms was that public education will not get out of its state of mediocrity and achieve excellence unless it strives to meet the educational needs of the community more progressively than in the past. As the COMMISSION ON EXCELLENCE IN EDUCATION appointed by President Reagan stated, "excellence costs, but in the long run, mediocrity costs more."

IV

GOALS OF THE FOUNDATION

The Major Goals Of The Foundation:

1. To foster the growth and development of public education in the community.

2. To provide leadership for restoring public confidence in the schools and their position in the community.

3. To provide a joint school and community organization for establishing new funding strategies for the public schools.

4. To provide a public forum for the exchange, implementation, and application of ideas related to education and its position in the cultural extension of the community.

5. To formulate and implement funding strategies through the private sector to aide participating schools in the generation of additional funding revenues.

6. To provide for a systematic level of funding for instructional personnel through grants and awards.

7. To reward and enhance innovative and progressive educational approaches to new and long standing problems in public education.

8. To provide for a system of employee recognition and rewards for excellence in education through grants for classroom instruction; certificated and classified personnel rewards through financial awards; awards for advanced education; and recognition for excellence in teaching and public service in the field of public education.

9. To provide a community organization throughout which the school and community may enter into the cooperative process of education.

V

ACTIVITIES OF THE FOUNDATION

The following is a listing of proposed items the Foundation could support over short and long-term period.

1. Grants for teachers and other instructional staff who have exhibited outstanding promise in the classroom.

2. Grants could take the form of:

   a. Short-term projects or long-term projects for student learning involvement.
   b. Grants could be awarded to help local educators publish ideas about their work and/or classroom experiences.
   c. Grants could be awarded to help teachers explore new curriculum ideas and/or changes relating to their classroom teaching.
   d. Grants could be awarded to help provide for a greater involvement, extension, and follow-up for inservice and staff development than is presently structured in the school district.

3. Foundation funds could be used to provide both teacher and student scholarships in specifically defined fields of study based upon past and present scholastic abilities and records.

4. The foundation could be used to provide paid sabbaticals for educators to achieve advanced degrees, (with a legal stipulation they return to the district to teach for a defined period of time), travel in their field of study, or even teach in a foreign exchange program.

5. Foundation funds could be used to grant specific cash awards to certified and classified personnel for outstanding contributions in the school district.

6. Funds could also be used to make yearly awards for select groups of teachers and other school district personnel.

EXAMPLES FOR HIGH SCHOOL AWARDS:

a. Outstanding high school teacher of the year.
b. Outstanding middle school teacher of the year.
c. Outstanding elementary teacher of the year.
d. Outstanding classified employee of the year.

7. Foundation funds could be used for yearly educational conferences for your school district. Such conferences could each year provide information on:

   a. New methods of school finance.

   b. Advances in the teaching of science in the public schools.

   c. Improved teacher placement requirement in the public schools and colleges in relation to student teaching.

   d. Implementing humanities in the public school classroom.

   e. How public schools can improve and maintain better school community relations.

   f. Conferences on curriculum, sports medicine, student and teacher relationships and the psychology of teaching.

8. Foundation funding could also be used to help provide structure and maintain an extensive staff development program process. This approach could provide teachers with course outlines, class requirements, course prerequisites, and a full evaluation follow-up procedure. The evaluation follow up would help the administration determine those teachers who still need additional work in staff development. This would help determine those teachers with true needs for improvement, rather than making the wide assumption that all who complete the work are ready for the classroom, which may not be the actual case.

9. The foundation could establish and help fund and educational consortium. This consortium could encompass other public and/or private school districts. As a consortium the school districts increase their potential for service to their individual districts as well as the communities they serve. The consortium also adds strength to the districts buying power as well as reaching a large potential funding base for foundation income.

10. The foundation could aid in an Art-In-Education program developed in your school district.

VI

LEGAL ISSUES OF THE FOUNDATION

Incorporation of the Foundation:

The establishment of a foundation requires that it be an incorporated body. This would require an attorney to prepare necessary legal documents. It might be possible to use your school district Board Attorney. If this was not possible, it might be feasible to obtain an attorney who would donate his/her services as a community service. As a legal incorporated body, the Foundation would clearly define the specific and primary purpose of the Foundation.

The incorporating charter would also exhibit the general purpose, powers, and rights of the Foundation (ie. the power to contract, rent, buy and/or sell real and/or personal property, but not beyond the bounds of the primary intent of the Foundation). The incorporation of the Foundation also presents the operating Board of Directors with a form of individual protective environment for liability and could also be written to prohibit political activity with funds raised by the Foundation for the primary purpose of assistance to the schools.

The Foundation As A Non-Profit Organization:

Finally, the incorporation of the Foundation provides it with an insulated protection as a Non-Profit Organization. This would prove to be an asset in seeking personal, community, and corporate gifts and endowments to the Foundation.

When the Foundation is being established as a non-profit incorporated body it would be extremely helpful if the time served by corporate directors could be listed as contribution in time. If this was done,it would help attract a more responsible, active, and participating group of people to operate as the Board Of Directors.

Federal, state, and local tax codes are very FAVORABLE to non-profit educational Foundations such as the proposed Foundation. The Federal Internal Revenue Codes are extremely generous toward proposed educational Foundations especially "Sections 501(a) (where foundations.....) are exempt from federal income tax groups as listed in Section 501(c)(3)...Foundations organized and operated exclusively for...education purposes...no part of the net earnings of which inures (meaning to accrue) to the benefit of any private shareholder or individual ...." is not taxable in the codes.

It is certain that a non-profit Foundation approach to the problem is the route to take. This would provide a gift,

endowment, and service contribution to the community, and at the same time provide a reasonable expected amount of financial resources to the Foundation. This approach, giving to the Foundation, provides the donor with a tax exemption. However, it should be pointed out, just because the Foundation would be a non-profit Foundation it would probably not be exempt from its share of payment to the Federal Social Security Foundation for any employees it may have on its payroll.

VII

FUNDING STRATEGIES OF THE FOUNDATION

Initial Sources of Funding at the Local Level:

It is possible to attract initial funding for the Foundation at the local level. This could be accomplished in the following manner. Many school districts have developed programs that solicit corporate aid and support in the form of advice, service, and even financial assistance in their school districts. In some school districts these programs are called "Adopt-A-School Program", and "Project Pencil", etc. etc. The intent is to aid district-wide schools with corporate assistance. At present they are providing a tremendous resource with the aid of skill and talented personnel, and this is fine. However, if these same corporations could be induced to giving to the Foundation yearly, then their resources would benefit the entire district, not just their adopted schools. In most cases this type of corporate giving would benefit their tax position greater and at the same time provide a much needed base for the Foundation.

Other means of giving to be explored at the local level would be that of endowments. If the Foundation is to serve the community as intended, then it will have to have a substantial base of endowment funding in order to provide the necessary accruement of interest from which the Foundation would fund its operation and activities.

Beside the items already mentioned above there is also the possibility of general giving from the public at large. This type of activity would be an annual community and Foundation activity to raise funds. The importance of this measure should not be over-looked because it addresses the very heart of the concept of a Foundation. This measure provides for a large community involvement from the very source the Foundation is structure to address, that of community involvement.

Additional methods for funding could also be clubs, educational booster clubs, private scholarship organizations, and community minded individuals interested in bequeathing funds from their estates.

It may even be possible that some private individual and/or corporation would be willing to fund annually (through the Foundation) an endowed "Chair of Excellence" dedicated to public education and outstanding teaching in the public school in the community. "Endowed chairs for excellent teachers in public schools could motivate teachers, increase the prestige of the schools, and provide a public relations angle for both the schools and the businesses or individuals establishing the endowments," states Traci Bliss in the December, 1982 issue

of The Phi Delta Kappan. This idea would be a great public relations boost to the Foundation, not to mention what it would do for the moral of the teachers in your school district. All this may not seem as outrageous as it may sound, considering it has been accomplished in some school districts in the United States.

Initial Funding Sources-State and National:

The possibility exists for initial funding outside the local community. One of the major foundations that has awarded funding to local school districts in the Souther States, is the Lyndhurst Foundation. The Lyndhurst Foundation is a private Foundation located in Chattanooga, Tennessee. As recent as this year the Lyndhurst Foundation has granted funds to the Chattanooga Public Schools to operate a new "Paideia" Elementary school. This new elementary school program is entirely based upon the "Paideia Proposal: An Educational Manifesto, by Mortimer J. Adler. This Foundation has funded similar educational concepts, and many local educational ideas in the South.

On the national level there are other Foundations that provide grant funding to school districts for outstanding educational practices. One of the most well known of these foundations is the Ford Foundation. The Ford Foundation was a partial funding source for the San Francisco Education Fund established in the late 1970s. Other foundations that provide funding to public school districts in the field of foundations and grants are, he Allegheny Conference Education Fund, the Public Education Fund of Pittsburgh, Pennsylvania.

FOUNDATION NAME	ADDRESS
The Lyndhurst Foundation	701 Tallen Building Chattanooga, Tn. 37402 (615) 756-0767 Atten: Deaderick C. Montague, Staff President
The Ford Foundation	320 East 43rd Street New York, New York 10017 (212) 573-5000 Atten: Secretary, Ford Foundation
Richard King Mellon Foundation	525 William Penn Place Pittsburgh, Pa. 15219 (412) 329-2800 Atten: George H. Taber, Vice President and Director

H. J. Heinz Company Foundation	P.O. Box 57 Pittsburgh, Pa. 15230 (412) 237-5449 Atten: Mrs. Sandra B. Hemmings, Administrator
The Carnegie Corporation of New York	437 Madison Avenue New York, New York 10022 (212) 371-3200 Atten: Mrs. Sara Engelhardt
Exxon Education Foundation	111 West 49th Street New York, New York 10020 (212) 398-2273 Director Unknown
Exxon USA Foundation	800 Bell Street Houston, Texas 77002 (713) 656-3008 Director Unknown
The Public Education Fund	600 Grant Street Suite 4444 Pittsburgh, Pa. 15219 (412) 391-3235 Atten: Associate Grants Director

TEN DO'S AND DON'TS TO CONSIDER
FOR YOUR NEW FOUNDATION

1. Keep all your foundation funding separate from your school district business operation. By doing this you can avoid state auditing of these funds in with your school district accounts. This also prevents the state from telling your foundation "how they can spend the foundation funds."

2. Set up your "Bylaws" (See example in bylaws about annual audit) so that your foundation is audited every year. This audit should be accomplished each year. If you have a foundation Board Member who is an accountant you might be able to have this service donated to the foundation as an inkind service.

3. Make sure you get good, sound, and reliable legal advice on how a foundation would qualify in your particular areas of the country, and what laws would apply to you.

4. Establish a checking account for the foundation officers. Make sure the account requires a two party check signature on each check for better business operation.

5. Everyone in your foundation who handles any money should be bonded. If these persons are business individuals see if they will each purchase a bond (the usual cost is $50.00 per individual) for themselves as an inking donation to the foundation. If something goes wrong your foundation will be better protected if these officers are bonded, even though you may trust them, it is always better to be safe than sorry.

6. When you get all the legal and technical problems out of the way plan an extensive media campaign. The more the public hears about your, the more they know of your goals, activities, and intended operation, the greater the chances are that the foundation will be able to raise large sums of money for its operation.

7. In any activity that the foundation is involved with in the school district make sure your goals and the school district goals are compatible. Remember the foundation is to help your school district, not to cause it problems.

8. Try not to get your foundation involved in funding projects lasting longer than a year. Long and extended projects are usually expensive and at the same time require additional funding. You may not want to have such long projects, especially if your budget is small

9. Try to keep the foundation and its operation small. By using some of your school districts regular staff you can get a lot of work done for the foundation while you are not having to pay personnel cost. If your school district already has personnel that are paid by other funds, and they work for the foundation ie. secretarial work for example, then you can save a great deal of money that can better be used in mini-grants to teachers.

10. Remember that your foundation is a separate non-profit entity for your school district. Persons applying to the foundation for funding should always be aware of any "Board Policies" operating in your school district. As school district employees they should be knowledgeable of these policies and it should not be the position of the foundation, or its officers to make them aware of such policies

EXAMPLE BYLAWS FOR A NON-PROFIT EDUCATIONAL FOUNDATION[1]

BYLAWS

ARTICLE I

PURPOSE

The _____(YOUR FOUNDATION NAME)_____ FOUNDATION is composed of the _____(BLANK)_____ School District, and a consortium of community individuals, businesses, industry and professionals, interested in the improvement of public education. The Foundation is a broad-based, non-profit organization with the exclusive purpose to serve as a charitable institution to aide in the development and improvement of the quality of education in the public schools _____(BLANK)_____, _____STATE_____. The intent of the Foundation is to secure and distribute contributions from individuals, corporations, and funds for the benefit and aid of students in _____(BLANK)_____ School District.

ARTICLE II

MEMBER/MEMBERSHIPS

This corporation is formed solely to aid the participating _____(BLANK)_____ School District and/or its consortium partners in the community for educational purposes and has no members/membership.

ARTICLE III

BOARD OF DIRECTORS

Section 1. POWERS AND DUTIES:

All corporate powers of the Foundation shall be exercised by and/or under the authority of the Board of Directors.

Section 2. NUMBER OF DIRECTORS:

The initial Board of Directors shall consist of the incorporators. The number of Directors of the Foundation shall be not less than seven (7) nor more than thirty (30). All Directors shall be elected as hereinafter provided.

Section 3. MANNER OF SELECTION AND TERMS OF OFFICE:

A. The Chairman of the Board of Education and the Director of Schools of the _____ _____ District shall be ex-officio members of the Board of Directors.

B. Each elected Director shall serve for a term of three years. One-third of the Directors shall be elected each year at the Annual Meeting by a majority vote of the Directors then in office. Nominations for Directors may be submitted by the Nominating Committee or by individual Board Members. At no time shall any Director serve more than any two successive three year terms.

Section 4. VACANCIES:

Except were otherwise stated in these bylaws, all vacancies that occur among the elected members of the Board of Directors shall be filled by a majority vote of the remaining Directors then in office. Any Directors elected to fill a vacancy shall be elected only for the unexpired term of the vacating previous Director.

Section 5. QUORUM:

One third of the Directors shall constitute a quorum for the transaction of any and all business of the Board of Directors and the Foundation. If a meeting is held with a quorum present, and a Director(s) withdraws before the completion of any business of the Board of the Foundation, the Board shall continue to operate and transact all business as though there is still a quorum (not-with-standing standing the withdrawal of Director(s), and taking legal, official business, with a majority of the remaining Directors still voting.

Section 6. PROXY:

The Board of Directors of the Foundation shall not conduct any business by voting through proxy.

Section 7. COMPENSATION FOR SERVICES:

No Director(s) shall receive any compensation, directly or indirectly, for their services as Director(s) of the Board of the Foundation. However, the Board shall permit reimbursement of any reasonable expenses that may have been incurred by the Director(s) when connected to attendance of

the Director(s) at Board meetings and/or from meeting, conferences, and other Foundation activities connected with the operation of the _____Education Foundation.

ARTICLE IV

OFFICERS

Part A: Election of Officers:

Section 1. OFFICERS AND QUALIFICATIONS:

Officers of the Foundation shall be composed of a President, a Vice-President, a Secretary, A Treasurer, and any other officers as the Board of Foundation may deem appropriate from time to time to ensure practical and efficient operation of the Foundation.

Section 2. TERMS AND ELECTION OF OFFICE:

The officers of the Foundation shall be elected annually by the Board of Directors of the Foundation, following the elections of the Directors at the annual regular meeting. Vacancies of officers as titled in Article IV, Section 1, may be filled at any time when vacancies occur, at any meeting of the Board of Directors. All officers shall hold their offices until a successor is duly elected and qualified to serve by the Board of Directors of the Foundation.

Part B: Duties of Officers:

Section 3. PRESIDENT:

The President shall have general supervision of affairs of the Foundation. The President shall preside at all meetings of the Board of Directors, and shall have all other such duties as the Board of Directors deem advisable to prescribe. The President shall serve as an ex-offico member of all committees (with exception of the Nominating Committee), unless so designated by the Board of Directors.

Section 4. VICE-PRESIDENT:

The Vice-President shall perform all duties of the President in his/her absence. Duties and powers of the Vice-President shall be assigned by

the Board of Directors as they deem practical and necessary for the efficient function of the operation of the Board and the Foundation.

Section 5. SECRETARY:

The Secretary shall be responsible for all minutes of the Board and shall perform any additional duties assigned by the Board deemed appropriate to ensure an efficient operation of the Foundation.

Section 6. TREASURER:

The Treasurer shall be responsible for all accounting of funds of the Foundation in accordance with policies adopted by the Board. Additional powers and duties may be assigned by the Board to the Treasurer as deemed necessary by the Board to ensure an efficient operation and manage management of the Foundation.

Part C: Executive Director

Section 1. EXECUTIVE DIRECTOR:

An Executive Director shall be appointed by the Directors of the Foundation and shall serve at the pleasure of the Board of Directors with a non-voting status.

Section 2. DUTIES OF EXECUTIVE DIRECTOR:

The duties of the position of Executive Director shall be defined by the Executive Committee composed of the elected officers of the Foundation.

ARTICLE V

COMMITTEES OF THE FOUNDATION

Section 1. EXECUTIVE COMMITTEE:

The Executive Committee shall be composed of the officers of the Foundation. The Executive Committee shall meet at the call of the President and/or any two officers of the Foundation to conduct the affairs of the Foundation between meetings of the Boards. Any and all action taken by the Executive Committee shall be subject to ratification by the Board of Directors of the Foundation.

Section 2. COMMITTEES:

The President shall appoint the members of all committees and designate all chairmen of standing and any other committees. All committees shall serve at the pleasure of the Board and under all such rules and regulations as the Board of Directors of the Foundation deem necessary and advisable for the efficient operation and function of the Foundation.

Section 3. STANDING COMMITTEES:

A. Grants Review and Allocations Committee: This Committee shall review all grants, proposals, and awards for funding throughout the Foundation. This committee shall be responsible for recommending acceptance of all grants, proposals, and allocations for funding such items through the Foundation, with approval of the Board of Directors of the Foundation.

B. Finance and Fund-Raising Committee:

The President shall establish a Finance and Fund-Raising Committee. The task of this committee shall be to advise the Board on all matters relating to the financial operation of the Foundation, preparing the annual budget of the Foundation, advising the Board on the investments of Foundation funds, the solicitation of funds, and contributions for the Foundation. This committee shall also develop funding strategies, advise, structure and implement annual fund-raising activities for the Foundation as directed by the Board of Directors of the Foundation.

C. Nominating Committee:

The President shall appoint annually a Nominating Committee composed of at least three (3) Directors. This committee shall present all nominations to the Board of Directors of the Foundation action.

D. Public Relations/Information Committee:

The President shall appoint a Public Relation and Information Committee to act as an information center for the Foundation. This committee shall formulate, develop, implement and execute public relation and information

campaigns to promote public, private, and corporate acceptance of the Foundation, as well as assist the Finance and Fund-Raising Committee in the annual campaign of funding for the Foundation.

Section 4. OTHER AND/OR ADDITIONAL COMMITTEES:

The President shall establish, with approval of the Board, other committees as needed for the efficient operation of the Foundation.

ARTICLE VI

MEETINGS

Section 1. ANNUAL MEETING OF THE BOARD OF DIRECTORS:

The Board of Directors of the Foundation will hold their annual meeting in the month of August. Such time and place is to be announced ten days (10) prior to the meeting.

Section 2. SPECIAL MEETINGS OF THE BOARD OF DIRECTORS:

The Board of Directors may meet as needed in addition to the stated annual meeting in Article VI, Section 1. Special meetings may be called by the President or any two (2) Directors of the Board. All special meetings of the Board of Directors shall be preceded by a minimum of seven (7) days notice by first class mail and/or by a personal telephone call not less than forty-eight(48) hours prior to the meeting.

ARTICLE VII

MISCELLANEOUS

Section 1. THE FISCAL YEAR OF THE FOUNDATION:

The fiscal year for the Foundation shall begin July 1 and shall end June 30th of each year.

Section 2. OPERATING RULES OF THE FOUNDATION:

Robert's Rules of Order shall be used by the Board of Directors for all parliamentary procedures and authority for all matters and

meetings of the Board. Articles and Sections of the BYLAWS, shall have priority and precedence over Robert's Rules of Order where the Bylaws permit and/or where the Board has specifically adopted rules and regulations.

Section 3. ANNUAL REPORTS OF THE FOUNDATION:

A. Public Report on the Financial Condition of the Foundation: The Board of Directors shall publish an annual report of the Foundation. The annual published report shall include, but not be limited to, the financial condition of the Foundation; the amount of grants awarded by the Foundation; the type and category of grants awarded; the population served by specific grant awards; an evaluation of the effectiveness of the grant Foundations awarded, and the type of instruction and/or administrative programs supported by the granting Foundations. The Foundation shall complete and publish an annual statement of educational needs of the educational institution served by the Foundation .

Section 4. AMENDMENTS:

The Bylaws of the Foundation may be amended by an affirmative vote of two-thirds (2/3) of the Directors present and voting at any meeting at which there is a quorum present. Any amendment to the Bylaws must be in written form, submitted ten (10) days prior to any meeting, delivered by first class mail and/or by telephone forty-eight (48) hours prior to the intended meeting where the amendment is to be proposed for action by the Board of Directors of the Foundation.

[1]The bylaws and constitution listed in this section were in part derived and modified from:

Kommers, Diane; et al. From The Inside Out: Portrait Of A School Foundation. A Report On The San Francisco Education Fund. Supported by a Grant for the Ford Foundation. The San Francisco Education Fund, San Francisco, California; 1982. 85 pp.

EXAMPLE OF A CHARTER FOR AN EDUCATIONAL FOUNDATION[3]
(This example uses Tennessee Code Statues)

CHARTER OF THE _____
EDUCATIONAL FOUNDATION

The undersigned natural persons, having capacity to contract and acting as the incorporators of a Corporation under the _____ (state) General Corporation Act, do hereby adopt the following charter for such corporation:

Article One - The name of the Corporation is the _____ Foundation.

Article Two - The duration of the Corporation is perpetual.

Article Three - The address of the principal office of the Corporation in the State of _____ shall be _____.

Article Four - The Corporation is not for profit.

Article Five - The purposes for which the Corporation is organized are as follows:

A. To foster and promote basic and innovative approaches for excellence in education in the _____ District Schools.

B. To receive and administer funds to support, assist and reward excellence in education by making awards or grants to outstanding instructional, non-instructional, and administrative personnel on the basis of competitive grants, proposals, and/or recognition of outstanding service submitted to the Board of Directors of the Foundation.

[3]In order to limit the size of the handbook This sections is single spaced. However, as a legal document for your foundation it "MUST ALL BE DOUBLED SPACED" to meet legal requirements.

C. To award its funds for the use of instructional supplies, equipment, innovative materials, creative program development, as well as providing research and publishing assistance to local instructional and administrative personnel in the field of education. To promote confidence in the public school system and optimism among teachers, instructional administrators and system wide employees by providing competitively available funds and awards for developing new approaches and solutions to problems facing the public schools. The Foundation will give particular interest to strong programs initiated at the school site that will demonstrate innovative and effective ways to meet students needs and increase the motivation to learn.

D. To take and hold, by bequest, devise, gift, purchase, or lease, either absolutely or in trust for such objects and such purposes stated, or any of them, any property, real, personal, or mixed, wherever situated, and without limitation as to value or amount, except such limitation, of any, as may be imposed by law; to sell, convey, and dispose of such property and to invest and reinvest the principal income thereof in such property, real, personal, or mixed, including without limitation, any and all securities (meaning any shares of stock, bonds, debentures, notes, mortgages, and other obligations or evidences of ownership of every kind and nature, any certificates, receipts, or other instruments representing participations or undivided interest therein or with respect thereto, rights to receive, purchase or subscribe for the same, and any other rights or interest therein or in any property or assets), in, or issued or created by, any person, firm, partnership, association, Corporation, joint venture government or subdivision, agency or instrumentality thereof, or any other legal entity of any kind and nature, whether domestic or foreign, and to deal with and expend the principal and income of the Corporation for any of the above mentioned objects or purpose, without limitation, except those limitations contained in any instruments under which such property is received.

E. To receive any property, real, personal, or mixed, in trust, under the terms of any will, deed of trust, or other trust instrument for the foregoing purposes or any of them, and in administering the same, to carry out the directions and exercise of the powers contained in the trust instrument under which the property is received, including the expenditure of principal, as well as the income, for one or more of such purposes, unless otherwise limited or prohibited by the trust instrument under the trust instrument under which it is received.

F. To receive, take title to, hold, and use the proceeds and income of securities, but only for one or more of the foregoing purposes.

G. In general, to exercise any, all, and every power for which a Corporation not for profit, known and organized as a foundation under the provisions of the _____ General Corporation Act, as from time to time amended, for scientific, educational and literary purposes, all for the general welfare of the public and for the general development of the _____ School District. The Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherence of the purposes stated in this Charter.

H. No substantial part of the activities of this Corporation shall be used in carrying on any propaganda, or otherwise attempting to influence legislation, and this Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign of any candidate for public office, nor shall this Corporation be voluntarily caught up in any local political, social, or economic controversy.

I. The Corporation shall distribute its income received during such taxable year at such time and in such matter so as to not subject it to tax on undistributed income under the provisions of Internal Revenue Code.

J. The Corporation shall not engage in any act of "self dealing", as defined by Section 4941(D) of the Internal Revenue Code of 1954 which would give rise to any liability for the tax imposed by Section 4941(A) of said code.

K. The Corporation shall not retain any excess business holdings as defined in Section 4943(C) of said code which would give rise to any liability for the tax imposed by Section 4943(A) of said code.

L. The Corporation shall not make any investment which would jeopardize the carrying out of any of its exempt purposes, within the meaning of Section 4944 of said code, so as to give rise to any liability for the tax imposed by Section 4944 of (A) of said code.

M. The Corporation shall not make any taxable expenditures defined by Section 4945(D) of said code which would give rise to any liability for the tax imposed by Section 4945(A) of said code.

N. The Corporation shall not engage in any acts of any type or carry on any functions, or involve itself in any manner in such a way as to jeopardize the implementation of its tax

exempt purpose, as defined by said code, or engage in any actions which would subject it to any form of tax under the provisions of said code.

All references in this Article to quote "Code" are references to the Internal Revenue Code of 1954 as amended an any other subsequent codifications of such law or corresponding provisions of other applicable tax laws and regulations.

Article Six - The location of this Corporation shall be in the City of _____, County of _____, State of _____. The offices of the Corporation shall be located at _____(Street Address).

Article Seven - Said Corporation is organized purely and solely as a Corporation not for profit, and therefore, there shall be no stock issued by said Corporation. The Corporation may permit one or more classes of members, the designation of such class or classes; the manner of election or appointment and the qualifications and rights of such member of each class to be set forth in the bylaws of the Corporation. The Corporation may, if it should so determine through its Board of Directors, to issue certificates to membership therein. Memberships in any class shall be non transferable and shall terminate upon the death of the termination of the existence of such member.

Article Eight - The incorporators of the incorporation are as follows:

John Doe	000 Main Street	555-5555
Jane Doe	111 Oak Drive	123-4567
Jim Doe	222 Pine Street	789-1234

Article Nine - The above named incorporators shall also serve on the first Board of Directors. The total number of directors of the Corporation shall be not less than seven and no more than thirty, as may be fixed from time to time by the Directors. The initial Board of Directors shall be named _____ _____ and thereafter the Board of Directors shall nominate and elect members to successor boards. The election of additional Directors in the filling of vacancies on the Board of Directors shall be done at the annual meeting of the Directors or at any other special meeting called and held for such purpose, upon notice, and provided in the by-laws, by a vote of a majority of the then duly constituted directors present, although less than a quorum. Each director shall be elected until the election and qualification of his successor, all is provided for in the by-laws of the Corporation.

Article Ten - In the event of the dissolution of the Corporation for any purpose, the then existing Directors shall make such distribution of any assets to the Corporation which would in their judgment best accomplish and carry out the original intended purposes of the Corporation, including the direct transfer of such assets to the instructional fund of the _____ School District.

IN WITNESS WHEREOF, these articles of incorporation comprising the Charter of the _____ Foundation have been executed on this the _____ day of _____, 19___, at _____ (city), _____ (county), _____ (state).

_____
JOHN DOE

_____
JANE DOE

_____
JIM DOE

STATE OF _____)
)
COUNTY OF _____)

Personally appeared before me, the undersigned, a notary public in and for said State and County, the within named, John Doe, Jane Doe, and Jim Doe, with whom I am personally acquainted, and who acknowledged upon their oath that they executed it within application for the Charter of Incorporation of the _____ Foundation for the purposes therein contained and expressed.

So witness my hand and seal at office in _____ (city), _____ (state), this the ____ day of _____, 19__.

_____
NOTARY PUBLIC

My commission expires: _____

DESIGNATION OF REGISTERED AGENT OF

(FOUNDATION)

TO THE SECRETARY OF STATE OF THE STATE OF _____

Pursuant to the provisions of the _____ General Corporation Act, the undersigned incorporators, being organized under the Act submit the following statement for the purpose of designating a registered agent for the Corporation in the State of _____.

1. The name of the Corporation is _____.

2. The address of the Corporation is _____.

3. The name and street address of its registered agent in the State of _____ will be: John H. Doe, 000 Main Street, _____ (city), _____ (state), _____ (zip code).

Dated this _____ day of _____, 19___.

_____
JOHN DOE

_____
JANE DOE

_____
JIM DOE

Incorporators

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